

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

18-cr-04865-EMC

IN RE TESLA SECURITIES LITIGATION

**TRIAL SHEET, EXHIBIT and WITNESS LIST**

<b>JUDGE:</b>				<b>PLAINTIFF'S ATTORNEY:</b>	<b>DEFENSE ATTORNEYS:</b>
Edward M. Chen				Nicholas Porritt, Elizabeth Tripodi, Adam Apton, Alexander Krot, Joseph Levi,	Alexander Spiro, Andrew Rossman, Phillip Jobe, Ellyde Thompson, Jesse Bernstein, Michael Lifrak, Anthony Alden, Matthew Alexander Bergjans, William Price
<b>TRIAL DATE:</b>				<b>REPORTERS:</b>	<b>CLERK:</b>
January 17, 2023				Belle Ball	Vicky Ayala
<b>PLF NO.</b>	<b>DEF NO</b>	<b>TIME OFFERED</b>	<b>ID</b>	<b>ADM</b>	<b>DESCRIPTION</b>
		8:10 a.m.			Court in session. Parties stated appearances. Housekeeping matters discussed. The Court first noted that the Court and parties had extensively reviewed the list of potential jurors on January 13, 2022, and, after several hours of discussion, selected 55 individuals who indicated that they thought that they could be fair and impartial jurors to come in for further questioning so that the Court could determine to its satisfaction that these potential jurors could in fact serve as fair and impartial jurors in this case. Jurors who indicated on the questionnaire they could not be fair and impartial were excluded without in-court voir dire – the parties so agreed. The Court noted that the parties had agreed to meet and confer to see if there were certain prospective jurors with sufficiently strong views to warrant questioning outside the presence of the other jurors to avoid tainting of the pool. The Court noted that the parties had agreed that four potential jurors should be voir dired separately, but disagreed as to whether thirteen others warranted separate treatment. After discussing with the parties, the Court agreed to separately voir dire nine individuals. The Court explained that it would move the four agreed-upon individuals to the end of the list but that the five other individuals would maintain their place within the jury pool as designated by their juror number; the parties agreed. The Court informed the parties that they each had three strikes and that the Court would seat nine jurors. The parties then discussed opening statements. Counsel for Plaintiff confirmed that he would not reference court rulings, the SEC settlements, or recent events at Twitter in his opening statement. The Court then ruled that portions of Exhibit 121 were admissible because it went to Mr. Musk's state of mind but that it would give a limiting instruction upon request.
		8:55 a.m.			Court in recess.

		9:15 a.m.			Court reconvened. The Court explained that a potential juror who was vaccinated but not yet boosted was not disqualified from voir dire.
		9:23 a.m.			Court in recess.
		9:40 a.m.			Prospective jury panel enters the courtroom and sworn.
		9:58 a.m.			Court reconvened. Case called. Court makes introductory remarks and welcomes jury panel.
		10:18 a.m.			Voir dire of prospective jury panel by Court and counsel.
		11:13 a.m.			Jury excused for break.
		11:45 a.m.			Court in recess.
		11:55 a.m.			Court reconvened. Further voir dire of prospective jury panel continues.
		1:50 p.m.			Jury excused for break. Hardships discussed outside the presence of the Jury. Jurors 8, 13, 31, 44, 48, 101 and 114 excused.
		2:15 p.m.			Court in recess.
		2:36 p.m.			Court reconvened. Housekeeping matters discussed outside the presence of the Jury. The parties identified the six potential jurors which been stricken. The Court then heard argument from Defendants regarding their proposed revisions to the jury instructions in light of Defendants' willingness to consider stipulating that recklessness suffices for a 10b-5 claim. <i>See</i> Docket No. 579 at 2 n.1. The Court directed the parties to meet and confer regarding the possibility of a stipulation regarding scienter and resulting revisions to the jury instructions, and informed Defendants to file its proposal regarding the scienter instruction as soon as possible.
		3:10 p.m.			The following nine jurors were selected and sworn: 3, 4, 6, 32, 55, 57, 58, 67 and 79. The remaining jurors were dismissed.
		3:15 p.m.			Court addresses jury.
		3:45 p.m.			Jurors admonished and excused for the day. Housekeeping matters discussed outside the presence of the jury. The Court directed the parties to meet and confer regarding the objections to the anticipated evidence for the second day of trial.
		3:50 p.m.			Court adjourned.